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The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

RE: Burks, et. al. v. State of Delaware Department of Corrections, et. al.
C.A. No.: 04-165 (KAJ)

Dear Judge Jordan:

I write pursuant to the Court's Scheduling Order to provide an interim status report.

Based upon an amended complaint, all additional parties have now been added to this matter. All the defendants, except for Property Advisory Group, Inc., and Sue Rimmel one their employees, have filed answers in this matter. The last two defendants have filed a motion to dismiss, which is presently being briefed.

The parties have been conducting ongoing negotiations with Magistrate Judge Thyng. The defendants up until this point have asked me to refrain from any deposition discovery pending the results of that mediation. The parties have exchanged written discovery.

I do see the possibility, given the strategy of Property Advisory Group/Sue Rimmel in seeking a motion to dismiss, that they may not participate or will not have conducted discovery by the discovery cut off. Given the fact that they were added by an amendment to the complaint, they may well seek additional time to take discovery in this matter.

If your Honor requires any additional information, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to be 'G. W. Aber', written over a horizontal line.

Gary W. Aber

GWA/mac